

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CHRISTOPHER MCCULLOUGH,
#174 909

Petitioner,

v.

DANIEL JONES, WARDEN, *et al.*,

Respondents.

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3:07-CV-71-WHA

ORDER

Petitioner filed the instant application for habeas corpus relief on December 28, 2006 challenging the November 14, 2003 conviction for first degree attempted burglary entered against him by the Circuit Court for Chambers County, Alabama. Petitioner submitted the instant petition in the same envelope which contained his habeas application filed in *McCullough v. Jones*, Civil Action No. 3:07-CV-26-MEF in which Petitioner challenges his convictions for first degree burglary and second degree theft of property entered against him on November 7, 2002 by the Circuit Court for Chambers County, Alabama. Also in the envelope was a handwritten pleading captioned *Initial Brief of Petitioner*. This brief was filed in Civil Action No. 3:07-CV-26-MEF. (*See* Doc. No. 2.)

A careful reading of the brief filed in Civil Action No. 3:07-CV-26-MEF indicates that it solely supports Petitioner's challenge to his first degree attempted burglary conviction challenged in the instant action. Accordingly, the Clerk will be directed to strike the brief filed in Civil Action No. 3:07-CV-26-MEF and file said brief as an attachment in support of

the habeas application filed in the above-captioned case. The Clerk shall further be directed to place a copy of this order in Civil Action No. 3:07-26-MEF.

Accordingly, the Clerk is DIRECTED to strike Document Number 2 filed in Civil Action No. 3:07-CV-26-MEF and file said pleading as an attachment in support of the habeas petition filed in Civil Action No. 3:07-CV-71-WHA. The Clerk is further DIRECTED to file a copy of this order in Civil Action No. 3:07-CV-26-MEF.

DONE, this 23rd day of February, 2007.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE